

# भारत का राजपत्र

## The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 19] नई दिल्ली, सोमवार, जून 14, 1971/ज्येष्ठ 24, 1893  
 No. 19] NEW DELHI, MONDAY, JUNE 14, 1971/JYAISTHA 24, 1893

इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के क्षय में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 14th June, 1971:—

I

BILL NO. XIV OF 1971

*A Bill to confer on the President the power of the Legislature of the State of Mysore to make laws.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. This Act may be called the Mysore State Legislature (Delegation of Powers) Act, 1971. Short title.
2. In this Act, “Proclamation” means the Proclamation issued on the 27th day of March, 1971, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 457 of the said date. Definition.
3. (1) The power of the Legislature of the State of Mysore to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President. Confer-  
ment on  
the Pres-  
ident of  
the
- (2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President’s Act a Bill containing such provisions as he considers necessary; power of  
the State  
Legis-  
lature to  
make  
laws.

Provided that before enacting any such Act, the President shall whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

---

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation of the President dated the 27th March, 1971, the powers of the Legislature of the State of Mysore are now exercisable by or under the authority of Parliament. Such Legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Mysore to make laws for the State. The present Bill is intended to give effect to this proposal.

K. C. PANT.

NEW DELHI;  
*The 2nd June, 1971.*

---

**FINANCIAL MEMORANDUM**

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 40 members of the House of the People and 20 members of the Council of States, and expenses to be incurred in connection with meetings of this Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 1,33,000 during the period in which the Proclamation will be in force.

---

### MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of Mysore to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 27th day of March, 1971, to be exercisable by or under the authority of Parliament is sought to be conferred on the President under article 357(1) (a) of the Constitution. Before exercising the aforesaid power the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act (*vide* sub-clauses (3) and (4) of clause 3). The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Mysore. Under the exceptional circumstances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated 27th March, 1971 will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

## II

## BILL NO. XV OF 1971

*A Bill to provide for the better management of certain Sikh Gurdwaras and Gurdwara property.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Delhi Sikh Gurdwaras (Management) Act, 1971.

(2) It shall be deemed to have come into force on the 20th day of May, 1971.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(b) "appointed day" means the 20th day of May, 1971, being the day on which the Delhi Sikh Gurdwaras (Management) Ordinance, 1971, was promulgated; 9 of 1971.

(c) "Board" means the Delhi Sikh Gurdwara Board constituted under section 3;

**21 of 1960.** (d) "Committee" means the Gurdwara Prabandhak Committee Delhi, a society registered under the Societies Registration Act, 1860;

(e) "Gurdwaras" means the Sikh Gurdwaras situated in the Union territory of Delhi as were, immediately before the appointed day, being managed by or affiliated to the Committee;

(f) "Gurdwara property" means,—

(i) all movable and immovable property which, immediately before the appointed day, vested or was kept in deposit in the name of the Committee,

(ii) all property which stands in the name of the Gurdwaras or in the name of present or old managers of the historic Gurdwaras,

(iii) all offerings in cash or kind made in various Gurdwaras,

(iv) all property, cash and kind, movable as well as immovable that may be acquired by purchase, exchange or otherwise by the Gurdwaras from time to time,

(v) all grants, donations or contributions made from time to time by any person of authority to the Gurdwaras, and includes any actionable claim with respect to such Gurdwara property;

(g) "Sikh" means a person who professes the Sikh religion or, in the case of a deceased person, who professed the Sikh religion or was known to be a Sikh during his lifetime. If any question arises as to whether any living person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the Administrator may prescribe by rules the following declaration:—

"I solemnly affirm that I am a Sikh, that I believe in the Guru Granth Sahib, that I believe in the Ten Gurus, and that I have no other religion."

**3. (1)** As from the appointed day, there shall be established a Board to be called the Delhi Sikh Gurdwara Board.

Incorporation of the Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

**4. (1)** The Board shall consist of five members, being citizens of India, to be nominated by the Central Government from amongst persons having knowledge or practical experience in respect of such matters as the following, namely:

Composition of the Board.

Social service, public affairs, management of public institutions, finance or law.

(2) There shall be a Chairman of the Board who shall be elected by the members from amongst themselves.

(3) A casual vacancy in the office of a member of the Board shall be filled by fresh nomination.

**Disqualifications.**

**5.** A person shall be disqualified for being nominated as a member of the Board—

(a) if he is not a Sikh and is less than twenty-one years of age;

(b) if he is found to be a person of unsound mind;

(c) if he is an undischarged insolvent;

(d) if he has been convicted of an offence involving moral turpitude;

(e) if he has, on any previous occasion, been removed from the office of a member of the Committee or has been removed by order of a competent court from any position of trust either for mismanagement or corruption.

**Resignation of Chairman and members.**

**6.** The Chairman or any other member of the Board may resign his office by writing under his hand addressed to the Central Government:

Provided that the Chairman or the member shall continue in office until the nomination of his successor is notified.

**Removal of Chairman and members.**

**7.** (1) The Central Government may, by notification in the Official Gazette, remove the Chairman of the Board or any member thereof if he—

(a) is or becomes subject to any disqualification; or

(b) refuses to act, or is incapable of acting or acts in a manner which the Central Government, after hearing any explanation that he may offer, considers to be prejudicial to the interests of the Gurdwaras.

(2) Where the Chairman of the Board is removed under sub-section (1), he shall also cease to be a member of the Board.

**Validity of acts of Board not to be questioned by reason of vacancy, etc.****Meetings of the Board.**

**8.** No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

**9.** (1) The Board shall meet for the transaction of business at such times and places as may be decided by the Board:

Provided that the first meeting of the Board shall be held at such time and place as may be fixed by the Administrator in this behalf.

(2) The Chairman or in his absence any member chosen by the members from amongst themselves shall preside at a meeting of the Board.

(3) Subject to the provisions of this Act, all questions which come before any meeting of the Board shall be decided by a majority of votes of the members present, and in the case of equality of votes the Chairman, or, in his absence, any other person presiding shall have a second or casting vote.

**10.** Notwithstanding any judgment, decree or order of any court or other authority or any proceeding pending before any court or other authority, or anything contained in any law or rules or bye-laws of the Committee, the entire management and control of the Gurdwaras and Gurdwara property shall, as from the appointed day, be taken over and vested in the Board.

Taking  
over of  
manage-  
ment of  
Gur-  
dwas-  
ras, etc  
by the  
Board.

**11.** (1) As from the appointed day, the society known as the Gurdwara Prabandhak Committee, Delhi, and registered under the Societies Registration Act, 1860, shall stand dissolved and all Gurdwara property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or were vested in the said society shall vest in the Board and shall be applied for the purposes for which the Board is constituted in accordance with the provisions of this Act.

Dissolu-  
tion of  
the  
society  
and  
transfe-  
r of Gur-  
dwara  
property.

(2) As from the appointed day, all debts and liabilities of the said society shall stand transferred and attached to the Board and thereafter be discharged and satisfied by the Board.

(3) Any will, deed or other instrument whether made or executed before or after the appointed day, which contains any bequests, gifts, or trust in favour of the said society shall, as from the appointed day, be construed as if the Board were therein named instead of the said society.

**12.** Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Board—

Duties  
of the  
Board.

(i) to arrange for the proper performance of religious rites and ceremonies in the Gurdwaras;

(ii) to provide facilities for worship by devotees at the Gurdwaras;

(iii) to ensure safe custody of its funds, movable properties, deposits, offerings in cash or kind and management of all Gurdwara property;

(iv) to ensure maintenance of order and discipline and proper hygienic conditions in the Gurdwaras;

(v) to make provision for payment of emoluments to its salaried staff;

(vi) to manage the historic and other Gurdwaras and the Gurdwara property in such a way as to make them inspiring centres of the Sikh tradition, Sikh culture and Sikh religion;

(vii) to spread education, especially the knowledge of Panjabi and Gurmukhi, to establish educational institutions and libraries and to give aid to such institutions and stipends to the students, to provide suitable accommodation for the pilgrims, to maintain free kitchen, to open free dispensaries and to do such religious and charitable acts as the Board thinks fit;

(viii) to render all help in the cause of the uplift of the Sikh community;

- (ix) to do all such things as may be incidental and conducive to the efficient management of the affairs of Gurdwaras, Gurdwara property or to the convenience of the devotees;
- (x) to perform such other functions as may be prescribed by rules by the Administrator for carrying out the purposes of this Act.

**Creation of the Gurdwara Fund.**

**13.** (1) There shall be a Gurdwara Fund into which all receipts and income of the Gurdwara property (including all amounts comprised for the time being in Gurdwara property) shall be credited and out of which all expenses and disbursements of the Board shall be made.

(2) The Gurdwara Fund shall be operated and maintained in accordance with the rules made by the Administrator in this behalf.

**Directions by the Administrator.**

**14.** (1) The Administrator may issue such directions, as he may think fit, on questions of policy to be followed by the Board and for issuing such directions, he may call for any report or information from the Board.

(2) In the performance of its functions under this Act, the Board shall be guided by the directions issued under sub-section (1).

**Penalty.**

**15.** If any person obstructs the Board or any of its officers or servants from taking possession of any Gurdwara property vested in the Board under section 11 or conceals, destroys, mutilates or defaces any book or other documents with intent to evade the provisions of the said section 11, that person shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

**Protection of action taken in good faith.**

**16.** No suit, prosecution or other legal proceeding shall lie against the Chairman or any member of the Board or any officer or servant of the Board, for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

**Power to make rules.**

**17.** (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which a declaration for the purposes of clause (f) of section 2 shall be made;

(b) the functions to be performed by the Board and the conditions and restrictions subject to which those functions shall be performed;

(c) the manner in which the funds belonging to the Board shall be deposited or invested;

(d) the mode of authentication of orders for payment of money by the Board;

the audit thereof and publication of such accounts;  
the audit thereof and publication of such accounts;

(f) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**18.** (1) The Board may, with the previous approval of the Administrator, make regulations not inconsistent with the provisions of this Act or the rules made thereunder for carrying out its functions under this Act.

Power of  
Board to  
make  
regula-  
tions.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner in which meetings of the Board shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings;

(b) the manner in which a majority decision of the Board shall be obtained by circulation to the members of the matter requiring decision;

(c) the appointment of such officers and servants as may be necessary for the purpose of carrying out the functions of the Board under section 12 and the terms and conditions of their service.

**19.** Nothing contained in this Act shall—

Act not  
to affect  
rites and  
practices  
of Sikh  
religion.

(a) save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour, emolument or perquisite to which any person is entitled by custom or otherwise in any Gurdwara.

(b) authorise any interference with the religious or spiritual functions performed in any Gurdwara.

9 of 1971.

**20.** (1) The Delhi Sikh Gurdwaras (Management) Ordinance, 1971, is hereby repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provision of this Act.

---

### STATEMENT OF OBJECTS AND REASONS

The affairs of certain Sikh Gurdaras in the Union territory of Delhi were being managed until 20th May, 1971, by the Gurdwara Prabandhak Committee Delhi, a society registered under the Societies Registration Act, 1860. This Committee, consisting partly of elected members and partly of nominated members, was constituted last in 1961. Certain persons who were not satisfied with the Committee resorted to litigation. The nomination of a 19-member Committee by an arbitrator in April, 1962 was declared invalid by the Additional District and Sessions Judge, Delhi in April, 1967. The Delhi High Court in appeal decided on May 17, 1971, held *inter alia* that the entire reference of the dispute for arbitration is, "void from its inspection; it would no be binding on even those who were parties because a void award cannot be subsequently ratified". The Delhi High Court further observed:—

"Before taking leave of this case we have to record that having regard to the great public interest involved we endeavoured to bring about a settlement between the contestants in this case but we did not meet with success. We have been unable to work out any solution,....in the altered situation arising subsequently to the suit—chiefly because of the shifting attitudes of the parties. On the other hand, we feel that a solution to the disputes affecting such a large number of religious and charitable institutions could be attempted by court only in a properly framed suit under section 92 of the Code of Civil Procedure. If this is not done and the contestants do not resolve their differences a possible remedy may be to bring in the needed legislation so that the interests of the general public who are beneficiaries of these trusts can be protected.”.

2. For some time past, there had been complaints regarding mismanagement of the affairs of Sikh Gurdwaras in Delhi by the Committee. On the 10th January, 1971, a group of Sikhs forcibly occupied the Sisganj and Bangla Sahib Gurdwaras. Again on 6th May, 1971, the Sisganj Gurdwara was forcibly occupied by a group of Sikhs and all efforts to restore normalcy by persuasion failed. These incidents caused deep resentment among the Sikh public who expressed themselves in favour of a change in the old set up.

3. As the alternative mentioned by the Delhi High Court for resolving the dispute by means of a properly framed suit under section 92 of the Code of Civil Procedure, 1908, was not considered feasible in the tense atmosphere then prevailing amongst the Sikh community, and all efforts to restore normalcy by persuasion had failed, the only course open to the Government was to act on the other remedy recommended by the Delhi High Court, namely, to bring forward suitable legislation in order to protect the interests of the general public who are beneficiaries of the religious and charitable trusts. Accordingly, the Delhi Sikh Gurdwaras (Management) Ordinance, 1971, was promulgated on the 20th May, 1971.

4. This Bill seeks to replace the said Ordinance by an Act of Parliament.

NEW DELHI;  
The 10th June, 1971.

H. R. GOKHALE.

---

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill lays down the duties and the functions to be performed by the Delhi Sikh Gurdwara Board and these are enumerated in sub-clause (i) to sub-clause (ix) of the said clause 12. Clause 12(x) further empowers the Administrator to prescribe by rules such other functions as may be performed by the Board for carrying out the purposes of this measure. Clause 13(2) empowers the Administrator to frame rules laying down norms for operating and maintaining the Gurdwara Fund created under sub-clause (1) of the said clause 13. Clause 17 of the Bill enables the Administrator to frame rules providing for the manner in which a declaration for the purposes of clause 2(f) shall be made, the functions to be performed by the Board and the conditions and restrictions subject to which those functions shall be performed, the manner in which the funds belonging to the Board shall be deposited or invested, the mode of authentication of orders for payment of money by the Board, and the form in which the account shall be kept by the Boards, the audit thereof and publication of such accounts.

2. All the aforesaid matters relate to procedure, form or administrative detail and as such the delegation of legislative power is of a normal character.

---

B. N. BANERJEE,

*Secretary.*

